HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 42 OF 2004 (SS)

1. Chandan Singh,
   S/o Sri Ratan Singh,
   R/o Village Leti, Post Office Joulkandai,
   District-Bageshwar.
2. Deep Harsh, D/o Hayat Singh,
   R/o Village are, Post Are,
   District-Bageshwar.

.....Petitioners.

Vs.

1. State of Uttaranchal, through the Secretary, Department of Basic Education, Govt. of Uttaranchal.
2. Principal District Education and Training Institute, Almora.
3. Director Basic Education, Uttaranchal, Dehradun.

.....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri K.N. Joshi, counsel for the petitioner and Standing Counsel for the respondents.

2. By the present writ petition, the petitioner has rayed for a writ of certiorari quashing the advertisement dated 31st August, 2001 to the extent that it prohibits the filling of the forms by the candidates, who have obtained C.P.Ed Certificate from other States. Further to consider

the candidature of the petitioner for selection of the specialized B.T.C. Training Course.

3. Briefly stated, according to the petitioners, they are permanent resident of District Bageshwar, Uttaranchal and have obtained C.P.Ed Degree from Amrawati University, but they are not being considered for selection of C.P.Ed. Petitioners have alleged to have obtained degree of C.P.Ed. in the year, 1998.

4. At the time of the filing of the writ petition, the interim order was passed considering the candidature of the petitioner for admission in Special B.T.C. and their result of the training shall be subject to the decision of the writ petition.

5. A counter affidavit has been filed, where it has been submitted that those candidates who have obtained C.P.Ed. B.P.Ed, and D.P.Ed certificates from the Institutions duly recognized by the National Council for Teacher Education run by the State of U.P. will be eligible for applying for the Special B.T.C. and the petitioner having having passed in the year, 1998, he is not eligible for the selection of B.T.C. in pursuance of the Government Order dated 23.11.2001. Paragraph 6 of the Counter affidavit is quoted below:

> "6. That the contents of para 11 of the writ petition need no comments as these are matters of record also. However, it quite clear from the aforesaid Government order no. (1) 154/MSV/ 2001 CC dated 18/8/2001 in clause 111, which is specifically issued for those Candidates only who have obtained a degree of C.P.Ed.,

B.P.Ed. & D.P.Ed. as regular candidate from the recognized Universities Degree Colleges or training institutes situated either in the State of Uttara Pradesh or in the State of Uttaranchal in the year of 1997 will be eligible for special B.T.C. Training and it is also provided therein that as there is no Physical Training Institute in the State of Uttaranchal, as such the candidate having the degree of Physical Education training, C.P.Ed., B.P.Ed., D.P.Ed. from the Institutions duly recognized by the National Teacher Education Board running by the State of Uttar Pradesh will also be eligible for applying for the special B.T.c. training course. Further more it is pertinent to be added here that the candidates who have passed C.P.Ed., B.P.Ed & D.P.Ed. as regular candidate after the year of 1997 shall not be eligible for special B.T.C. Training whereas the petitioner has passed C.P.Ed. degree from the Amarawati, Maharashtra Pune in the year of 1998 and as such the petitioner is not eligible for the selection of B.T.C. Training."

6. In view of the aforesaid, the writ petition is disposed of with the observation that if the petitioner fulfils the criteria and norms prescribed by the National Council for Teacher Education as well as by the State in respect of the Institution as prayed by the petitioner, only then he will be entitled for the relief sought by way of present writ petition.

7. Subject to aforesaid observation, writ petition is disposed of. No order as to costs,

(Rajesh Tandon, J.)

03.07.2006
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